

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIO SANCHEZ,

Defendant.

- - - - -

ORDER

06-cr-88-wmc-01

On November 7, 2012, a warrant was issued for the arrest of defendant, Julio Sanchez, for possible revocation of his supervised release. The warrant was filed as a detainer with the Dane County Jail so that the defendant would be brought before this Court for a judicial review hearing following the disposition of state charges. Since the principal purpose of defendant's federal revocation is to ensure the necessary care and treatment to address his mental illness, and his pending state charges have resulted in a placement where his mental health treatment needs are being addressed, the court will dismiss the pending revocation proceedings in this case and recall its warrant.

FACTS

Defendant Julio Sanchez was sentenced in the Western District of Wisconsin on October 18, 2006, following his conviction for (1) distribution of cocaine, in violation of 21 U.S.C. § 841(a)(1), and (2) being a felon in possession of a firearm, in violation of 18

U.S.C. § 922(g)(1). Both counts of conviction are Class C felonies. The defendant was committed to the custody of the Bureau of Prisons to serve concurrent terms of imprisonment of 78 months as to each count to be followed by a 36-month term of supervised release.

On April 20, 2011, the defendant was released from the custody of the Bureau of Prisons and began his term of supervised release, which is currently due to expire on April 19, 2014. The defendant was arrested by the Monona Police Department on November 4, 2012, after failing to appear for a judicial review hearing on Dane County Circuit Court Case Nos. 2011CM2427 and 2011CM2798. At the time of his arrest, he allegedly resisted and obstructed the arresting officers. This resulted in a new pending charge for resisting and obstructing (Dane County Circuit Court Case No. 2012CM2730).

On November 29, 2012, with defendant's consent, this court modified his supervised release in defendant's federal case to include a condition that he participate in a psychiatric evaluation and treatment and takes any and all prescribed medications.

On January 16, 2013, the defendant appeared before the Honorable Julie Genovese in Dane County Circuit Court for a competency hearing in Case Nos. 2011CM2427, 2011CM2798, and 2012CM2730. Having heard testimony from psychiatrist Dr. Brad Smith, and defendant's mother Sheila Sanchez, Judge Genovese concluded that the defendant was not competent to assist in his own defense and ordered that he be committed for treatment up to the statutorily permissible amount of 9 months, less 73 days' time served until such time as he can be restored to competency. Judge Genovese further ordered that

the defendant be transferred to a facility that will be able to provide the necessary treatment and care, whether that be the Winnebago Mental Health Institute or Mendota Mental Health Institute.

Since these steps by the state court insure compliance with the modified condition of this court in a controlled setting, the pending warrant and related detainer serve no current purpose. Accordingly,

ORDER

IT IS ORDERED that further federal revocation proceedings against Julio Sanchez are dismissed; the warrant issued on November 7, 2012, is recalled; and the probation office is directed to monitor defendant's progress in the state system to ensure compliance with the federally-imposed terms and conditions upon his release.

Entered this 18th day of January, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge